IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

R.S.A.No.2393 of 2002

DATE OF DECISION: 26.02.2007

Avtar Singh

...Appellant.

Versus

Kewal Singh alias Kanwal Singh and Others

...Respondents.

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA.

PRESENT: Mr.Avnish Mittal, Advocate,
for the appellant.

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HEMANT GUPTA, J.(Oral)

The plaintiff is aggrieved against the decree passed by the Courts below whereby his suit for declaration to give effect to the compromise decree dated 21.09.1993 Exhibit CX was dismissed.

Earlier the plaintiff-appellant filed a suit for permanent injunction in respect of the land in dispute. In the said suit, the parties filed a compromise Exhibit CX. On the basis of the said compromise, the suit of the plaintiff was dismissed as compromised. Since no executable decree was passed in the previous suit, the plaintiff cannot sought enforcement of the said decree by filing a subsequent suit.

It has been rightly found by the First Appellate Court that on the basis of compromise Exhibit CX, no executable decree was passed in favour of the appellant which can be enforced in the manner by filing a separate suit.

In view thereof, I do not find any illegality or irregularity in the findings recorded by the learned First Appellate Court which may give rise to the substantial questions of law.

Dismissed.

February 26, 2007 (HEMANT GUPTA)
seema JUDGE